IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
CIVIL REVISION APPLICATION No 1875 of 1999
For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BAHETI DYECHEM

Versus

TPL INDUSTRIES LTD.

Appearance:
MR RAJEEV I CHOPRA for the Petitioner.
MR AR GUPTA for the Petitioner.
MR ASHOK L SHAH for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 07/04/2004

ORAL JUDGEMENT

The petitioner is the original plaintiff of Summary Suit No.3919 of 1998. The said suit is filed to recover Rs.26,67,567/-, being the price of the chemical goods sold to the defendants. In the said suit, on behalf of the defendants, an application to grant leave to defend the suit was submitted. The learned trial Judge came to the conclusion that there is a triable issue arising in the suit in connection with the suit claim of the plaintiff. The trial court has considered the defence of the defendants to the effect that goods worth Rs.7,53,000/- was returned to the plaintiff. There is also a counter claim lodged by the defendants in the said suit.

The learned trial Judge, after considering the documentary evidence on record, came to the conclusion that since triable issue arises in the suit, the defendants are required to be granted unconditional leave to defend the said suit. It is the aforesaid order, which is challenged in this Civil Revision Application.

In my view, the order in question is not required to be interfered with in a revision filed under Section 115 of the Code of Civil Procedure. By the impugned order, the trial court has found that triable issue arises in the suit and, therefore, unconditional leave is granted to the defendants to defend the suit. The order in question, therefore, is not required to be interfered with by this Court in this CRA. Hence, the CRA is rejected. Rule is discharged. No costs.

Mr.Gupta, however, submitted that the suit is of 1998 and being a money suit, the trial court may be directed to expedite the said suit. In the facts and circumstances of the case, Summary Suit No.3919 of 1998, pending before the City Civil Court, Ahmedabad, is ordered to be expedited and the trial court may try to dispose of the said suit latest by 30th June, 2005.
Writ to be sent to the trial court forthwith.

7th April, 2004 (P.B. Majmudar, J.)

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(apj)